

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRACY WAYNE VICKERS,
 Plaintiff,
 v.
 HENRY GODECKI, et al.,
 Defendants.

Case No.: 2:20-cv-01401-GMN-NJK

ORDER

[Docket No. 20]

Pending before the Court is a stipulation to stay the requirement to file a joint proposed discovery plan pending resolution of a motion to dismiss. Docket No. 20. The stipulation is not supported by citation to any legal authority.

The need to file a joint proposed discovery plan is triggered by a defendant's appearance. *See* Local Rule 26-1(a) (the need to confer and file a discovery plan is triggered by the first time a defendant "answers or otherwise appears"); *see also* Local Rule 16-1(b).¹ A motion to dismiss constitutes an appearance for purposes of this rule. Moreover, it is well-settled that the mere pendency of a potentially dispositive motion does not, standing alone, justify a stay of discovery. *E.g., Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) ("The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending").

¹ Because Plaintiff is represented by counsel in this case, the Court declines to issue a scheduling order *sua sponte*. *See* Local Rule 16-1(b); Local Rule IA 1-4.

1 Accordingly, the stipulation to stay discovery is hereby **DENIED** without prejudice. No
2 later than March 3, 2021, counsel must file either (1) a joint proposed discovery plan or (2) a
3 further request to stay discovery that addresses the governing standards.

4 IT IS SO ORDERED.

5 Dated: February 24, 2021

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Nancy J. Koppe
United States Magistrate Judge